

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. SWM 0076-002

Popeye's
c/o Delaware Food Venture
1050 Hull Street
Suite 100
Baltimore, MD 21230-5359

10101 Reisterstown Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on October 27, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 33-4-110, 33-4-111, failure to repair 15" pipe leading into manhole M-1A resulting in a sinkhole on commercial property known as Popeye's, 11010 Reisterstown Road, 21117.

On October 16, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Randy Hoffer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,5000.00 (seven thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Raymond A. Kelly, Facility Manager with Popeye's and, Randy Hoffer, Baltimore County Inspector for the Department of Environmental Protection and Resource Management (DEPRM).

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$

IT IS FURTHER ORDERED that the civil penalty will be

If the Respondent fails to correct the violations, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 24th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Environmental Protection and Resource Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this

order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf